



Texas Juvenile Justice Department

Board Meeting

Friday, May 4, 2012 - 9:00 a.m.
Brown Heatly Building, Room 1410-1430
4900 North Lamar Blvd.,
Austin, Texas 78751

BOARD MEMBERS PRESENT:

Scott W. Fisher, Chairman
The Honorable John Brieden III
The Honorable Carol Bush
Michael Meade
Dr. Rene Olvera
The Honorable Jimmy Smith
Melissa Weiss

Rob Kyker, Vice-Chairman
Joseph Brown
Jane Anderson King
MaryLou Mendoza
The Honorable Laura Parker
Calvin Stephens

EXECUTIVE STAFF PRESENT:

Cherie Townsend, Executive Director
Robin McKeever, Deputy Executive Director
Janie Ramirez Duarte, Financial Officer
Toysha Martin, General Counsel
Linda Brooke, Director of External Affairs
and Communications

Karin Hill, Director of Internal Audit
Debbie Unruh, Chief Ombudsman
Cris Love, Chief Inspector General
Dr. Rajendra Parikh, Medical Services Director
Jeannette Cantu, Executive Assistant
James Smith, Associate Deputy Director
Continuum of Youth Services

OTHER GUESTS PRESENT:

Colleen Buck, Office of the Governor
Angela Isaac, LBB
Heather Fleming, House Appropriations
Candace Nolte, Office of the Lt. Governor
Kathryn Freeman, Texas Appleseed
Pete Winckler, Sen. Hegar's office
Velma Benavides, JRHG Juvenile Facility
Teri Avery, Texas House of Representatives
Estella Medina, Travis County
Mike Ward, Austin American Statesman
Mike Flippen
Charlotte Edney, Dallas County
Tia Garrett, 4M Rockdale
Aris Johnson, Gregg County
Dan Collins, Guadalupe County
Susan Humphrey, Bell County
Ron Quiros, Guadalupe County
Randy Turner, Tarrant County
Larance Coleman, Criminal Justice Cmte.
Lauren Rose, Texans Care For Children

Jerome Williams, TJJD	Terri Dollar, TJJD
Joe Schriever, TJJD	Sami Chadli, TJJD
Kevin DuBose, TJJD	Lesly Jacobs, TJJD
Jim Southwell, TJJD	
John Stutz, TJJD	
Rebecca Thomas, TJJD	
Chuck Jeffords, TJJD	
Mary Wood, TJJD	
Amy Lopez, TJJD	
Bill Monroe, TJJD	
Christina Courson, TJJD	
Scott Friedman, TJJD	
Lucy Rodriguez, TJJD	
Art Hinojosa, TJJD	
Nancy Arrigona, TJJD	
Lisa Caper, TJJD	
Karol Davidson, TJJD	
Yolanda Hall, TJJD	
Rick Bishop, TJJD	
Karen Kennedy, TJJD	

Call to Order

Chairman Scott W. Fisher called the meeting to order at 9:00 a.m. A quorum was present.

Prayer

Chaplain John Stutz led the opening prayer.

Pledge

The Pledge of Allegiance was recited.

Excused Absences

There were no absences.

Public Comment

There was no public comment.

April 6, 2012, Meeting Minutes

Ms. Jane King moved to approve the April 6, 2012 board meeting minutes. Mr. Jimmy Smith seconded. The motion passed unanimously.

Report from the Chairman

Chairman Scott W. Fisher reported the committees met for the first time yesterday, May 3, 2012. Since this is a fairly large board, members are able to participate and focus their time and energy on just one committee. He commented on the reports in the Austin American-Statesman and the controversy surrounding issues related to the Giddings State School. He wanted to ensure that this Board is comfortable with the steps that have been taken and improvements that are being made, and will be diligently watching and holding youth and staff accountable as well as making sure the safety and security of youth and staff are protected and encouraged. He's looking forward to seeing very positive reports in the future regarding the changes being implemented.

Report from the Executive Director

Ms. Cherie Townsend, Executive Director, presented her report on issues that have come up through the Independent Ombudsman concerning the Giddings facility, as well as other state operated facilities, and many of the measures TJJD adopted prior to the release of the Ombudsman report. The agency has strongly responded to the issues that have been identified at Giddings and additional actions were taken to ensure the safety and security of all youth and staff. The facilities and programs operated by the agency are intended to serve the most challenging and high risk youth in the juvenile justice system, and more than 50 percent self-identify as being gang members prior to commitment, more than 50 percent have prior adjudications for violent offenses, and 95 percent have one or more specialized treatment needs. They must be engaged in a rigorous rehabilitation program in order to ultimately change behavior when they return to their communities.

Ms. Townsend stated there must be a foundation for safety, security and structure, and policies are being implemented and enforced to keep the youth and staff safe. There are consequences for youth who assault staff and/or other youth, and although consequences were not consistently applied before, they will be now. A safe environment comes first before comprehensive treatment and education programs can be successfully implemented.

The closure of three facilities last summer and subsequent movement of hundreds of youth to remaining facilities created challenges at every remaining secure facility. While most of the facilities were able to manage the transition and are now operating more smoothly, Giddings experienced more difficulty managing the transition and has required additional attention to bring the campus culture in line with policies, procedures and expectations.

Despite the challenges, hundreds of dedicated staff at Giddings and throughout the entire agency continues to perform their jobs well. TJJD senior leadership has focused more attention on Giddings by working with facility leadership to address concerns that center on youth aggression, staff call outs and staff vacancies. As agency leadership became further involved with Giddings, many more actions were taken and we're confident that it's moving in the right direction. Dorm programming, routines and procedures were changed to address the causes for disruption, as well as the way youth were moved within the facility. Safe housing was reassessed to ensure that all youth were safe. Youth who were major contributors to campus incidents are being prosecuted for crimes they committed at Giddings and some were recommended for early transfer to the Texas Department of Criminal Justice (TDCJ).

Since December 1, 2011, 69 new staff have been hired at Giddings, 58 of them are Juvenile Correctional Officers JCOs. Experienced staff was moved to ensure safety and security on all three shifts. Additional training was

provided to staff at all facilities, and more experienced staff have been moved to Giddings to make sure that they were modeling professional behavior and providing ongoing supervision to youth.

Associate Deputy Director, James Smith, has been temporarily assigned to Giddings and has been there at least three days a week providing on-site leadership and oversight of campus operations. Daily visibility of the leadership team including James Smith, Allen Michel, Albert Cervantez, the new superintendent hired April 17, 2012, and Rodney Pegram on all three shifts seven days a week has had a dramatic effect on campus culture and staff morale. Daily monitoring ensures that policies and procedures are being implemented in every area. Systems have been set up to ensure that these things continue to be in place.

Steps have been taken to ensure the safety of youth in all facilities, and additional questions are being asked at the intake level concerning bullying and trafficking to ensure the best safe housing decisions are made. Campus gang task forces are being revitalized to gather information on tagging, verbal reports from staff and youth, and using that information to aid in investigations and the ongoing implementation of safe housing plans. In cases involving allegations of bullying, Mr. Smith has directed that the alleged bully be placed in security until the allegations can be resolved and consequences applied rather than have the youth who are afraid of these bullies self-referring to security themselves.

There is a specialized program within the security unit for youth who engage in certain serious rule violations. They are placed there following a due process hearing because they present a serious risk to other youth and/or staff. An emergency revision to that policy includes all assaults or fighting, not just those that result in bodily injury, as a criteria for admission, and removed the maximum number of days in that program. Youth must meet behavior and treatment goals to be released from the program because it's not about time, it's about behavior. The change was made through an administrative directive, and the policy itself will come before the Board at the next meeting to be considered and approved prior to being posted in the Texas Register, but it was necessary for there to be immediate action taken through an administrative directive.

When all factors in an assault meet the requirements for criminal prosecution and/or a request for early transfer to the TDCJ, we're doing that. Additional experienced staff has been assigned to facilities as needed to role model the accountability that is expected of youth. When necessary, staff has been disciplined, including termination of employment. Staff who does not utilize the training and supervision provided to them to hold youth accountable, endanger other youth and staff.

Additional actions have been taken at Giddings, the first being that currently there is a specific dorm that is on lock-down, and it will remain that way until youth behavior warrants a change. There is a presence of investigators from the Office of Inspector General during times when more assaultive behavior has been

observed. In the redirect program, the focus is on a specific violence reduction program with higher staff ratios and a rigorous structured treatment program aimed at behavior change. The number of cells used for the program has been increased. Any youth who have pending court hearings for transfer to the TDCJ Institutions Division will remain in security until the court date.

All facilities have a zero tolerance for drugs, gang behavior and bullying. To emphasize that, random drug testing has been increased monthly to include at least 20 percent of the youth population. The frequency of canines on campus to search for contraband has been increased, and the searches are occurring at the gate house, the entire campus, at high risk areas and during high risk times, especially during visitation. Agency policy requires cancellation of visitation privileges for a family member that brings contraband to a secure facility, and that policy will be enforced, and we are also working with law enforcement to ensure that there is an arrest in these cases. There are changes to who can visit at the facilities, and these changes are necessary because of gang and gang-like activity and the presence of contraband. We want to encourage family involvement and engagement because it's critical, but it can't be done at the expense of safety and security.

The agency is finalizing a policy to distribute uniform shirts for JCO staff, and have started the process to purchase them. Prior uniform policies included shirts, pants and shoes that were requirements of employment, but they were of a lesser quality and the staff was required to replace them as necessary. The new policy will only require JCOs to wear the uniform shirt, which the agency will provide, and they will remain the property of the agency. Employees will not incur any tax liability as a result and the shirts will be replaced as needed by the agency.

Ms. Townsend wants to assure all TJJD employees that their safety, along with the safety of the youth they serve, is of paramount importance to her, and the changes being made at Giddings and throughout the system are designed to improve and maintain safety and security that must exist in order to provide a rigorous program of rehabilitation.

Ms. Townsend expressed her appreciation for all the questions and feedback provided during the Safety and Security and Programs Committee meetings, and especially appreciates the ongoing support and direction of the Board as they make changes necessary to ensure the safe operation of all agency operated facilities so that they can do the things necessary to effect more positive outcomes for youth.

Ms. Townsend stated while she focused a lot of her time and direction on these facilities as her top priority, she is not losing sight of the fact that this new agency was created to strengthen the juvenile justice continuum with a focus on the community. The agency is working diligently to ensure that they're working with counties and

other stakeholders to support additional capacity and service in the communities throughout Texas, especially in the area of mental health.

Ms. Townsend concluded her report by stating that the agency received the initial results of the Second Chance Grant Program operated in Harris County, and after the first year there is a 50 percent reduction in rearrest for youth who were heavily involved in gangs prior to commitment and are now being released following placement in a secure agency facility.

Report from the Inspector General

Cris Love, Chief Inspector General, directed the board's attention to a summary indicators chart in their notebook for FY 2011 and seven months into FY 2012. He specifically referenced one item for a projection of a slight increase in criminal investigations. The dashboard does not include administrative investigation information. He also pointed out that the total number of incidents reported to the incident reporting center located within the Office of Inspector General is roughly the same during this same period for FY 2011.

Discussion occurred regarding the criminal case analysis and what closing a case means. Inspector General Love stated on the criminal side, it means that the investigation has been completed and either presented through the Special Prosecution Unit (SPU) or completely closed and not presented to prosecution, either the elements of the offense did not exist, or as a result of a Memorandum of Understanding (MOU) between the OIG and the SPU, the elements of an offense may have existed, but as a result of this MOU, the case was not submitted to prosecution for review.

Inspector General Love stated the OIG has been and will continue to be responsive to the needs of TJJD and the people of Texas by demonstrating a willingness and ability to independently and impartially conduct criminal investigations while protecting the rights of all persons involved. OIG will be honest, ethical, accountable at all times while emphasizing effective communication, timeliness, coordination and team work.

Report from the Advisory Council

Ms. Estella Medina, Chief Juvenile Probation Officer in Travis County, and Chair of the Advisory Council on Juvenile Services, presented her report from the Advisory Council. She reported the council last met on May 1, 2012, at the Corsicana Residential state facility. In addition to the scheduled discussion, the council had the opportunity to tour the facility.

The council has proceeded to work on identifying priorities that had been brought before the Board on April 6, 2012, by Doug Vance, the Vice-Chair of the Advisory Committee. They have designated a standards subcommittee, chaired by Doug Vance, and will include other members of the Advisory Council. The subcommittee will be looking at specific concerns associated with current standards and develop appropriate strategies to address them. They'll be looking at the current compliance resource manual and the process being used, the current auditing process, the current monitoring process of the standards, and other possibilities and other recognized methods of standards development and performance based auditing.

Ms. Medina stated the council has invited feedback from the field and will be asking each regional association to submit a representative from their region to serve on this committee as well, and inviting others with very direct and specific knowledge in this area. They are looking at counties that operate facilities and compliance officers who can bring a lot to the table. James Smith, TJJD Deputy Associate Director, who is a member of the Advisory Council, will also serve on that subcommittee.

Other assignments the council is working on include funding, continuing to work with the Board and TJJD to identify and maximize funding opportunities for programs at the local level and community based programs to continue to support the work in place, but also with an opportunity to look at any state programs in state facilities as well. There will be discussions regarding performance measures to identify appropriate measures for programming and performance indicators on recognized and measurable evidence based practices. They will be meeting with staff of the Legislative Budget Board (LBB) and continue discussions regarding performance measures, both as they relate to the operations and the functions of some local community based programming and state programs.

The Advisory Council will be looking at program development, including looking at programs in the continuum of the mental health area and strategic planning, and the council is very invested in working in these efforts. There is very deliberate interest to identify the scope of the work done to identify structured areas and to look at what the work is and what is being required of each subcommittees. It's also important to develop a process and structure to keep things moving, to be timely and quick in all of the work and efforts, and any work that they do includes a very specific invitation and a very deliberate effort to have participation from the field, from the regions, from respective counties, and with staff and management and program staff of TJJD as well.

Ms. Medina recognized members of the Advisory Council who were in the meeting, including Randy Turner, with Tarrant County; James Smith, with TJJD, and Ms. Townsend, the Board's Executive Director. She stated that she's listed all the contact information in the attachment in her report. The next meeting of the Advisory Council will be scheduled in June to be held in Austin.

Board Governance Manual

Ms. Toysha Martin, General Counsel, reported on a draft board governance and policy manual previously presented to the Board at their Orientation Training. It is a necessity and statutory requirement that the Board adopt a governance manual or rules as required by Section 203.001 of the Texas Human Resource Code. She informed the Board that it is now before them to either adopt, or possibly assign it to a working group of select members to review it in detail. She stated legal staff, policy and technical writers of the department will be available to provide assistance to the work group as needed. The agency is seeking input on what the Board would like to see included so they can present a final draft to present to the full Board for approval. She emphasized that it should be done sooner rather than later.

Chairman Fisher stated the Executive Committee, which is comprised himself, Vice-Chair Rob Kyker and each of committee chairs, will review the policy manual and make a recommendation to the full Board at the June Board meeting.

Finance and Audit Committee Report

Mr. Calvin Stephens, Chairman of the Finance and Audit Committee, recognized John Brieden, Jane King, Rob Kyker, and Chairman Fisher, who are members of the committee and present at the committee meeting on May 3, 2012. He expressed his appreciation for the support that he received from Cherie Townsend, Janie Duarte, Chief Financial Officer, and Karin Hill, Director of Internal Audit, for assisting in developing the policies and procedures for the committee.

Mr. Stephens reported the committee covered several items in detail, including a draft for the committee's charter, mission, an applicable check list, and the internal audit charter and board policy. The committee heard and will recommend to the full Board, approval of the construction audit. Ms. Hill provided recommendations to the management team regarding change orders and management concurred with the recommendations. Ms. Hill will proceed with monitoring to see the recommendations are implemented.

The committee received an update on the agency's budget, second quarter performance measures and budget structure changes. The committee heard and will recommend to the full Board, approval for a construction contract change order for a security fence at the Gainesville State School to secure the perimeter. This item will be under a subcontract with the current general contractor, Zimmerman, and the total amount for that contract will be \$201,465; it's within the parameters of the scope of the work and doesn't require additional funds as the money is coming from reserve funds. The committee heard and will recommend to the full Board, approval for the new energy contract for a four-year fixed rate.

Mr. Stephens invited any of the Board members to participate in the Finance and Audit Committee meetings, and stated the committee intends to take a deep dive into all the issues that concern finance and audit, vet them and bring recommendations to the Board for final review and approval.

Safety and Security Committee Report

Mr. Joe Brown, Chair of the Safety and Security Committee, recognized Board members Mike Meade and Carol Bush, who are members of the committee and were present at the meeting on May 3, 2012.

The committee reviewed six applications for variances, which are action items 23 through 28 on the Board agenda today. Regulations require Board approval for the variances when certain criteria are met and local juvenile facilities are unable to meet written minimum standards governing the operations of those local facilities. Most of the variances the committee heard dealt with items relating to building matters. They heard the basis for the requests, and met with several local juvenile board representatives to provide detail on the need for the variances. The committee reviewed all six variances and recommends approval by the Board.

The committee received and considered a proposal from the Human Resources Department that the Board implement written standards and regulations for the disciplinary process and for the certification of juvenile probation officers to provide some more detail. The committee recommended this be referred to the Advisory Council for review and also recommended they consider asking for feedback from the other professionals in the field who deal with these officers and the disciplinary process more directly.

The committee discussed recent problems at Giddings and heard a report from staff members James Smith, Deputy Associate Director for Continuum of Youth Services, and Rebecca Thomas, Director of Integrated State Operated Programs and Services, specifically regarding the cause for the problems and to ensure themselves that what is being done will ensure those problems will not occur again. Ms. Debbie Unruh, Independent Ombudsman, was present and provided a report of significant improvement being made as well as some concerns that she continues to have with the facility. Mr. Meade, who has been active in the oversight of Giddings State School, outlined his concerns about the facility.

Specific changes discussed included increased searches, new accountability measures, staffing changes being made in staffing levels and staffing leadership, and the JCO uniform proposal, which they encourage the department undertake to improve professionalism of the JCOs and the culture and relationship between JCOs and the youth. It was made clear to the staff that the problems at Giddings were not acceptable, that they were below the standards of what we expect as a Board and a Committee.

Chairman Fisher called upon Debbie Unruh to address the Board. He explained Ms. Unruh's role as Independent Ombudsman, her direct report being to the Office of the Governor, and she has no reporting requirement to this Board. She reports to the Board what she is comfortable reporting, and does it through her own initiative.

Ms. Unruh expressed support for the administrative directive that was recently released by Cherie Townsend. She thinks it's a very balanced start, it addresses corrections needs as well as treatment needs, and she thinks it empowers the staff to hold each other accountable, to hold the youth accountable, and she's pleased to see that it's going in the right direction and looks forward to seeing the change.

Programs Committee Report

Dr. Rene Olvera, Chairman of the Programs Committee, recognized the Honorable Jimmy Smith and Ms. MaryLou Mendoza who are members of the committee and were present at the meeting on May 3, 2012. Ms. Melissa Weiss had an excused absence.

Dr. Olvera reported the committee will begin working to develop a committee charter that reflects the breadth of the new agency including state and local facilities and the continuum of care. Staff provided the committee with an update on the Giddings State School. Given that issues such as programming, psychiatric care, mental health, medical care and education are all part of this committee, they felt it appropriate to focus more on those issues at the Giddings facility, even though they fully recognize that the overall goal is to deal with these issues on a statewide level. Some of the tasks that the committee hopes to hear more from regarding Giddings are a review of their mental health infrastructure, how those needs are being met both from the mental health staff and from the youths' point of view, monitoring such things as their psychiatric needs, use of medications, et cetera. The committee will also focus on the treatment and mental health programming and the interface between the corrections and treatment at that facility. Goals were set in terms of regular feedback relating to outcomes dealing with education and progress through their programming.

Dr. Olvera reported Cherie Townsend presented the Juvenile Justice Alternative Education Programs Performance Assessment Report, which is a biannual report, and shows overall, this program seems to be meeting its set goals, the youth are coming in and improving on standardized testing, which seems to be across the board.

Chairman Fisher commented on the issue of mental health needs and invited Dr. Olvera to share a little about his background in this area. Dr. Olvera reported he is an adolescent psychiatrist, he's board certified in child mental illness and adolescent psychiatry, which requires two additional years of training with children and adolescents

after becoming board certified as a general psychiatrist. He's worked with juvenile offenders for about 12 years, both at the acute juvenile detention center level and at a 96-bedroom residential treatment facility. There are kids that are in the system for minor offenses, but are in desperate need of strong psychiatric intervention. His detention center is a default psychiatric hospital, but detention centers are not contingent for that reason, and he hopes at some point they can have discussion regarding much needed resources.

Dr. Olvera stated that's the type of input they want from Board members. He also stated their main focus at the committee was safe facilities and they did not talk about the county level. There are issues they are going to struggle with, the shortage of mental health professionals, which is not just solely in the juvenile justice system, but a statewide problem. If it's not seen as a statewide problem, that means other state agencies may have to be involved, and it's important to partner correctly or the needs aren't going to be met and there might be resistance. But he did agree it has to be on the agenda and they need to push it forward and they need to move other agencies to cooperate.

Mr. Meade stated that they're finding that parents are encouraged to file charges on their child just to get mental health treatment. Dr. Olvera responded and agreed that's not a good utilization of resources in terms of our system, just to get somebody's mental health needs met.

Cherie Townsend stated the Programs Committee is going to be looking at this in detail, and especially about the types of programs that need to be in place to be more responsive throughout the entire system. This is one of the key strategic issues that will be identified in the next Board agenda item, and they are intending as an agency to bring before the Board as it will be an opportunity to not only work on it more collaboratively with other agencies, but also make sure it's identified as something that needs to be addressed now.

Chairman Fisher agreed with Dr. Olvera, stating that it is a statewide issue and it's an issue of funding resources, it's going to be a legislative issue, and he thinks going forward they can have an impact in the discussion.

Information on Activities for Agency Strategic Planning

Ms. Robin McKeever, Deputy Executive Director, presented an update on the agency's strategic planning activities, including an update on the project plan and a summary of focus group input and stakeholder survey results. The key date right now is the next Board meeting on June 22nd, which is when the draft plan will be presented to the Board.

Ms. McKeever focused on summarizing the feedback received from the focus groups and stakeholder surveys. She pointed out a report from the Chief Juvenile Probation Officer Summit Focus Groups, March 8, 2012, in

which five focus groups with two facilitators and about 30 participants in each group, focused on identifying main issues and recommendations for those issues. Each group also spent 30 minutes on each of three broad topic areas, prevention and early intervention, mental health, and establishing a continuum of youth services, which were selected based on information provided previously to the SB 653 Transition Team from advocacy groups. Feedback was encouraged in the focus group discussions on any issues and recommendations outside these areas.

Ms. McKeever pointed to a two-page summary of the key issues and recommendations on each topic that was prepared by Lisa Capers, Executive Projects Manager. Inadequate funding and resources for prevention and mental health services was identified as a high priority set of issues. Poor collaboration among stakeholders is also an issue in all three topic areas. The need to put some definition on what prevention and intervention mean was also discussed, and that the quality of mental health services is poor with inaccurate diagnoses, too few providers for specialized services, ineffective assessments, and overmedication or improper use of medication were all identified as areas of important themes. Key recommendation themes included providing adequate or enhanced and predictable funding with flexibility and realistic performance measures, increasing the availability of community based residential treatment services for youth with mental health needs, improving mental health services with staff training, training of general practitioners, use of telemedicine, better assessments, and more mental health professionals. They need to build better relationships and effective communications between local juvenile boards, juvenile probation departments, community resources coordination groups, schools, and others.

Stakeholder surveys consisting of ten questions were distributed in February and March. The survey was distributed through an email link to every chief juvenile probation officer in each of the 168 departments, to facility administrators, probation quality assurance coordinators, volunteers and families of youth and advocacy groups. At the request of Ms. Mendoza, the survey was also distributed to all Board members following the April Board meeting. The survey link was placed on the TJJD employee timekeeping system and sent by email to over 1,000 volunteers. Every family for whom the agency had a current email address was sent an email requesting that they complete the survey, and on visitation weeks families without email addresses were given paper copies.

The survey summary shows a total of 1,123 responses were received. The highest number of responses came from 360 employees at state operated secure institutions. Also responding were 112 volunteers, 72 juvenile probation officers, 24 prosecutors, 22 juvenile court judges, 39 defense attorneys, 69 family or guardians of juveniles in the juvenile justice system, and many others.

Ms. McKeever went over the complex table in her report, giving examples so Board members can better decipher the document in detail on their own more easily, giving examples of how the information from the surveys was analyzed. The results of the focus groups and the surveys will be summarized and included in the strategic plan, and they are using the information to develop strategic initiatives and agency priorities for the next five years, and the development of those initiatives has just begun to take shape. As all of this information is analyzed, there appeared to be four groups of needs that are rising to the top. One group of needs might be a strategic initiative to strengthen the continuum of services provided by local probation departments and community based justice partners. Strategies to do this might include prevention and early intervention funding for evidence-based programs and targeted funding initiatives for non-residential programming toward those counties that make up the majority of commitments to the state.

Another strategic initiative might address the need for more effective mental and behavioral health programs for youth being served in the community based juvenile justice system, which might occur through a collaborative project funded by TJJD in cooperation with juvenile probation departments, mental health authorities, schools and community based providers. A third strategic initiative would target positive outcomes expected from the continuum of juvenile justice programs and services statewide through effective partnerships with local juvenile probation departments and community providers. A fourth strategic initiative might address a strategic need to develop a collaborative effort among border counties that are facing unique issues serving youth committing crimes in border communities. Ms. McKeever stated as these ideas get filled out over the next month, they anticipate some intensive collaboration and information sharing. The strategic initiatives that become clarified over the next six weeks will serve as the guideposts for the priorities identified for the agency's appropriations request that the Board will consider in August.

Mr. Meade stated he didn't hear anything in her report addressing truancy, and stated that all the studies they've done indicate chronic truancy leads to delinquent conduct. He asked if that was included in the survey. Ms. McKeever responded she didn't think truancy was directly identified in the survey, but it may be in the responses; she will follow up with him on that point specifically and provide additional information for the Board.

Judge Brieden wanted to know how far in advance the Board will receive the draft to review prior to the meeting. Ms. McKeever said they normally provide their materials one week prior to a Board meeting, so it would be no later than that. Chairman Fisher suggested a deadline for the draft of June 8 with a distribution date no later than June 11. Ms. Townsend suggested that they distribute sections of the plan to the Board as they are completed in draft form. Ms. McKeever stated they would provide drafts and requested the Board's understanding that the drafts will evolve.

Update on Fiscal year 2012 Allegations of Abuse, Neglect and Exploitation (ANE) for State Facilities and Community Based Programs and Facilities

Mr. Kevin Dubose, Director of the Administrative Investigations Division, provided an overview of this newly created division, which consists of both the county investigation unit and state investigation unit. The county investigation unit consists of five investigators located in the central office. The state investigation unit consists of the six investigators that are assigned to the six state operated facilities. They have two administrative support staff, and Lesly Jacobs, Deputy Director. He stated that his report is a work in progress and he will take the Board's lead for what they want to see in future reports.

For Fiscal Year 2012 the county investigation unit received a total of 1,416 reports, which are generated from all of the different reporting mechanisms, including the incident reporting center within the Office of the Inspector General, the fax reports received from locally operated or county operated departments, programs and facilities, email, et cetera. Of those 1,416 total reports, 242 (17%) were classified as allegations of abuse, neglect or exploitation (ANE); 379 were classified as serious incidents. Of those total reports received by the county investigation unit, 44 percent were classified as serious incidents and allegations of ANE. The rest include grievances referred back to the local jurisdictions for processing.

Mr. DuBose provided historical comparisons to FY 2011. So far in FY 2012, 242 allegations of ANE and 384 serious incidents were received, compared to a total of 438 allegations in FY 2011. They are projecting finishing FY 2012 somewhat below FY 2011. In March of 2011 they were at 270, so there is a slight decline of 10 percent.

Mr. DuBose reported 498 reports received through the incident reporting center for FY 2012 and noted only 46 have been classified as allegations of ANE. The vast majority of the reports are classified as grievances. He pointed out a table giving a little more detail about the dispositions and origin, such as from a secure pre-adjudication facility or post-facilities. He also stated there are 11 different classifications of allegation types, and of the 242, 90 were allegations of physical abuse by physical restraint.

He pointed out 384 serious incidents, stating that in most cases they're not allegations of abuse and neglect but are reportable injuries, attempted suicides, things of that nature. It does not mean that an investigation won't originate from the report because incidents involving a death or suicide are always investigated, as are youth-on-youth assaults.

There was discussion regarding the number of attempted suicides in the report. Mr. Dubose stated that the definition of attempted suicide in Chapter 358 of the Texas Administrative Code (TAC) is broad, stating any action that could reasonably result in the death of an individual or in this case a youth. He stated the issues are

adequately addressed by the facilities because by standard they have to be seen by a mental health professional and the standards also require a more stringent observation of that youth in terms of when they're in their cells so that any further self-harm might be prevented. He stated based on what he's seen in the locally operated facilities, he thinks that there's a very stringent adherence to the standard and they're doing everything they can to address any of these expressions by juveniles of self-harm, whether it's self-mutilating behavior or a legitimate or outward expression of an attempted suicide. It was also pointed out that a number of these youth are in detention centers, in a challenging population that may or may not be the most appropriate placement for them, but certainly presents additional risk.

Dr. Olvera stated he thinks the numbers are probably on the low side. In Bexar County probably once a month they have one or two youth who are on some type of suicide observation, so 24 statewide is actually low. Most facilities are going to be at capacity, one or two hundred youths, and 50 to 60 percent are going to have some type of mental illness.

Mr. Meade stated even though they take any type of suicide ideation or threat seriously, the vast majority of them are attention getting. They're still treated as though it is a bona fide threat, but it is attention seeking, and a lot of it is learned behavior picked up from other mental health facilities. Mr. Dubose advised the Board the county investigators are currently involved in a training initiative in which they're going out into locally operated departments, programs and facilities and providing basic ANE training for line staff and also providing internal investigation training for supervisory staff and designated internal investigators. By the end of the training initiative, which began in earnest in November 2011 and they hope to conclude that in August of this year, they believe they will have trained over 1,000 juvenile justice professionals in locally operated departments, programs and facilities. They've been to seven locally operated departments, including Harris, Bexar and Dallas. The training is comprehensive and the feedback's been great.

In discussion regarding non-reportable incidents, Mr. Dubose stated a lot of the non-reportable incidents they receive are incidents that do not meet the statutory definition within TAC Chapter 358, which are injuries requiring medical treatment. Youth-on-youth physical assaults are reportable if there is an element of medical treatment for one or both of the youth involved in the altercation.

In discussion regarding the number of allegations and a way to highlight which are confirmed or unconfirmed, Mr. Dubose stated he could include their affirmative findings on the more visual representations of their data. There is a summary of TJJD actions that reflects there have been seven reason-to-believe findings of the cases they've closed this year, and there are 17 concur findings, and they consider concur and reason-to-believe to be affirmative findings. Of the 242 they've received, and of the ones that they've completed the investigations on, there have been 24 affirmative findings. He stated of the 242, there are 136 still pending investigations for FY

2012. Ideally they'd like to be at a 50 percent closure rate, but there are certain criteria that have to be met before the closure of the case, including receiving the internal investigation from the locally operated facility, or if a case involves law enforcement, which could slow the closing of that case. Although it's extremely important that they're expeditious in the closure of cases, he emphasized more than anything that their investigations are thorough and accurate because obviously the truth is our primary objective.

Mr. Dubose responded to a question regarding time lines in county investigations by stating there are time lines applicable in county investigations. The first one is a requirement in TAC Chapter 358 that the internal investigation be completed within 30 days, but there's flexibility depending on the circumstances of the case and the time line can be extended. Another requirement is that the Administrative Investigations Division conduct the preliminary investigation within 15 days of receipt of the internal investigation from the locally operated department, program or facility. Those are the only time lines that are in place at this point.

Overall, the emphasis has always been on the quality of the investigation and ensuring that they get it right. The investigators try to close them expeditiously, but they must triage cases as they come in and if they receive a minor injury case as opposed to a sexual abuse case, they have to divert their resources to focus on that type of case. There are a number of different factors that influence when a case is closed.

In discussion regarding carryover cases from the previous fiscal year, Mr. Dubose stated there are a handful of 2011 cases still open. He doesn't have a specific number but stated it's probably about 10 of the previous 468 from FY 2011. Some of cases involve local law enforcement and some of the challenges they face there, particularly if it's an egregious case, is the local law enforcement agency requests they not engage in investigation at all pending the completion of their interviews and ultimately the conclusion of their case.

Mr. Dubose stated they will be refining the state investigations data going forward but he wanted to at least have some basic data available for the Board. He pointed out there were 1,198 administrative investigations opened in FY 2011, and 1,104 of them were direct referrals from the IRC. Year to date there are 701 investigations open with 627 that originated from the IRC directly. The monthly numbers showed some spikes and dips. The report on state investigations shows the same type of data as in the county investigations.

The Administrative Investigations Division assumed responsibility for the administrative investigators on April 2, 2011, with March 1, 2011 having been the transition date. Inspector General Love and his deputy director, Jack Allen, were helpful in the transition, but Mr. Dubose's staff is still learning and still trying to put their own brand on what they want to represent to the Board based on what the Board wants and needs.

Construction Audit

Ms. Karin Hill, Chief Internal Auditor, presented her report on the construction audit, which was added to audit plan that was amended and approved at the January Board meeting. The objective of the audit was to determine whether the agency has effective controls over the construction process, and was led by Internal Auditor Camilla Cannon. The scope included construction projects for the period of September 2007 through August 2011. Interviews with staff, review of processes and tracing documentation identified controls over the construction process needs strengthening. Some of things identified were that procedures do not include steps that establish consistency or ensure continuity of the change order process, approved change orders are not always within the contract's scope of work, contract files don't always include all of the required documentation to support the change orders, and written approval for the change orders is not always completed prior to the vendors beginning the work, which is contrary to the suggestions of the Texas Contract Management Guide. The audit also identified that the department could benefit from a skills gap analysis to ensure that the skills included in the construction department are aligned with what it needs to meet the requirements of this job.

Ms. Hill discussed that the wording of the recommendations in the report would be changed prior to final distribution to remove the word "should" and that future audit reports would be formatted in the same fashion.

Ms. Hill commended management for their responsiveness to the audit. In her processes she typically provides management with about two weeks to respond to recommendations made in audits, and this report took a little bit longer than anticipated to draft, and management, specifically Ms. Duarte and Mr. Hinojosa, stepped up to the plate and responded within a matter of a days, and they appreciate it.

Mr. Stephens commented that the staff has done a tremendous job in the audit. He commended the senior staff and Cherie Townsend for responding to the audit quickly. He stated he would like further reports on the progress of implementing the audit recommendations. Ms. Townsend stated most of the items that were identified as recommendations are scheduled for completion prior to the next Board meeting, and an update will be provided at that time.

Mr. Stephens moved to approve the construction audit as presented and recommended by the Finance and Audit Committee. Ms. Mendoza seconded. The motion passed unanimously.

Second Quarter Performance Measures

Chuck Jeffords, Research Director, presented the second quarter performance measures, which are the output and efficiency measures reported to state leadership on a quarterly basis. Outcome measures are more direct

measures of the accomplishment of the mission of the agency, such as recidivism and diplomas. They are required to be reported annually, so they will be reporting them at the end of the fourth quarter. There are two goals that have key performance measures in the agency; Goal A, community juvenile justice, and Goal B, state services and facilities. Nancy Arrigona from the Research Division presented a report on Goal A, community juvenile justice measures, and stated it will ultimately include the prevention and intervention measures which are new and there are no measures as yet.

Chairman Fisher stated that the measures and performance targets were established by the legislature for the agency, and progress is reported throughout the year. Ms. Arrigona stated it's a two-year process related to the strategic planning process, so performance measures are developed between agencies and the LBB every two years.

Ms. Arrigona stated the community juvenile justice will ultimately include prevention and intervention measures but right now the measures relate to community probation and services dealing with probation. There are 14 measures for Goal A currently, and the target was exceeded for seven measures, met the target for one measure, and missed the target for the last six measures. The most noteworthy thing about the Goal A measures is that the average daily population of youth supervised under court ordered probation has been trending down as referrals to juvenile probation departments have been declining. In the first two quarters of this fiscal year, the average daily population for youth on probation or supervision has started to increase. They believe it relates to the fact that commitments to state institutions and state facilities continue to decline and youth have higher needs and longer histories so they're remaining in the community and getting services while they're on probation.

Dr. Jeffords reported on the Goal B measures stating they are output measures, which are mostly average daily population measures, and efficiency measures for cost per day directly related to the population. Commitments have been decreasing with the additional emphasis on diversion. As such most of the populations have been reduced below the targets. They have maintained the average daily population of specialized treatment, which has four categories: mental health, alcohol and other abuse, capital and serious violent offender treatment and sexual behavior treatment. The only worrisome measure is percent with one month reading gain for each month of instruction, where they are a little below that target. There are two reasons, one being the transition with the closed institutions made difficult conditions for testing, and some of the institutions reported the youth did not have any motivation for doing well and they are working to develop incentives for doing well on the testing.

It was requested that the Board be updated to where new commitments stand now for this fiscal year from the counties to TJJD institutions. Dr. Jeffords believes it might be approximately 400 for the seven months. His estimate is it will be approximately 800 for the year, significantly lower than last year's number of 960.

Budget Structure Changes Proposal

Dr. Jeffords reported the categorizations in the Appropriations Act and the strategies are really the categories that the funding is in; the strategies relate to the goals of the agency. He pointed out what was submitted to the LBB and the Governor's office as suggestions for all changes in the budget structure. He presented highlights that included proposing a Goal D called juvenile justice system, which includes training, certification, monitoring and interstate compact, which are youth, both probationers and parolees, who move either into or out of Texas to another state.

Ms. Arrigona stated the first thing to note in Goal A is the creation of new outcome measures for the new prevention and intervention grants, so they are proposing that two different measures be associated with that goal of the agency, including the successful completion of the prevention and intervention programs and the referral rate of eligible youth to juvenile probation departments, since the goal of the programs is to prevent the entry of those youth into the juvenile justice system. There are currently three strategies, which include community supervision, diversion programs, and post-adjudication facilities. Funds for the diversion programs can be expended for both placement and community services, and they are proposing there be substrategies in order to clarify exactly what services youth are getting and be able to contribute funding accordingly. They propose there be a strategy of community probation services, which will have community services and programs as a substrategy and placement as a substrategy, and then the commitment diversion strategy with a substrategy of programs and placement.

Dr. Jeffords stated they are also proposing to combine three of the strategies within Goal B, which are all treatment strategies and include mental health care, general rehabilitation treatment which all youth receive, and specialized rehabilitation treatment. They want to combine them because a lot of staff work in all three categories so it's difficult to accurately measure the cost and their staff time in each strategy when the staff spends a lot of time in all three strategies. He reported that they propose to delete the measure "percent reading at grade level at release" and bring forward "median math gain per month of instruction" and "median reading gain per month of instruction" because "percent reading at grade level at release" is affected by the level at which they entered and how much we bring them forward. He said these have been submitted to the LBB and the Governor's office, but they are not final. Performance measures are an area of interest with the Advisory Council on Juvenile Services, and members of the Council will meet with the LBB on this particular item to make

sure those measures that are specifically related to the community have been reviewed and endorsed by the Advisory Council.

Construction Contract Change Order for Gainesville State School

Ms. Janie Duarte, Chief Financial Officer, along with Art Hinojosa, Director of Construction, presented the report regarding a construction change order at the Gainesville State School. The scope of the work includes replacing the security fence detection system on the perimeter fence. The change order requires approval of the Board because it exceeds \$150,000 as specified in General Administrative Policy 110.1D, and has an estimated cost not to exceed \$201,465. Three competitive cost quotes were obtained. Details of the project cost estimate were discussed in the Finance and Audit Committee meeting. The security fence system will be funded from the capital project appropriations from the 80th Legislature that are set to expire at the end of August 2012. Status reports for change orders as part of the construction program will be provided to the Board at future meetings. There was also extensive discussion of the general contractors' oversight rule for this change order. They request that the Board authorize the TJJD Executive Director to execute the construction change order.

In response to a question by Mr. Meade, Chairman Fisher explained the reason for the change order is the fence was struck by lightning in 2009, which rendered the detection system inoperable, and there was a youth escape in which a parent cut through the fence last fall and a youth escaped. The actual fabric of the fence was cut, and had the detection system been working, the gatehouse would have been notified and they would have investigated. Mr. Hinojosa stated the detection system and the fence were both built in 1991, and when the original construction project was approved, this was not included because there was not a need at that time.

Ms. Jane King moved to approve the construction contract change order at Gainesville State School. Mr. Stephens seconded. The motion passed unanimously.

New Energy Contract

Ms. Duarte presented the staff's request regarding negotiating a contract with an energy company to provide electricity to most of the TJJD facilities, which needs approval of the Board since the energy contract will exceed \$500,000. The current five-year contract with TXU was for a not-to-exceed amount of \$11.4 million, and is set to expire at the end of this month.

The ECOVA energy consulting company, through a contract with SECO, the State Energy Conservation Office, will solicit bids, review pricing, examine offers and make recommendations to the agency. ECOVA indicates they are recommending a four-year contract for electricity supply at .052 per kilowatt hour, which is a 40 percent

decrease from the existing price of .085 per kilowatt hour. ECOVA will be paid a broker fee of .001 per kilowatt hour and will be paid by the winning supplier directly to ECOVA, and is estimated to be approximately \$24,000 per year. The proposed recommendation is to authorize the Executive Director to execute the new energy contract.

Staff requests eliminating the reference in the proposed resolution for a three-year contract and substituting a reference to a four-year contract as recommended by ECOVA. If approved by the Board, the final number will be determined within a two-hour window sometime next week, and the contract will be signed and the price locked in for four years.

Vice-Chair Rob Kyker moved to authorize the Executive Director to execute the new energy contract with the amendment to recommend a four-year contract. Ms. King seconded. The motion passed unanimously.

Acknowledgement of Gifts

Staff recommends Board approval of a gift to the Gainesville State School soccer program of soccer uniforms, shin guards and cleats; items valued at \$1,880; as required by the Texas Government Code, Chapter 575.

Mr. Brown moved to acknowledge the gifts. Mr. Kyker seconded. The motion passed unanimously.

Webb County's Application for Permanent Variance for Title 37 Texas Administrative Code Section 343.226 Related to Natural Light Requirements in Resident Housing

Wichita County's Application for Permanent Variance for Title 37 Texas Administrative Code Section 342.226 Related to Natural Light Requirements in Resident Housing

Duval County's Application for Permanent Variance for Title 37 Texas Administrative Code Section 343.230 Related to toilet and Washbasin Requirements in Specialized Resident Housing

4M Youth Services, Inc.'s (Milam County) Application for Permanent Variance from Title 37 Texas Administrative Code Section 343.452 Related to Requirements for Spatial Specifications in Single Occupancy Resident Housing

Dallas County's Application for Permanent Variance for Title 37 Texas Administrative Code Section 343.266 Related to Requirements for Resident Bedding

Harris County's Application for Permanent Variance for Title 37 Texas Administrative Code Second 343.666 Related to Requirements for Outdoor Exercise Areas

Chairman Fisher stated agenda items 23 through 28 (listed above) are variances to Title 37 of the Texas Administrative Code for particular counties. These variances were discussed in detail during the Safety and Security Committee May 3, 2012. Mr. Brown stated all six variances were recommended by the committee for Board approval.

Mr. Brown moved to approve the variances for agenda Items 23 through 28. Ms. King seconded. The motion passed unanimously.

Closed Session – Executive Session

Chairman Fisher adjourned the open meeting at 11:53 a.m. and met in closed Executive Session pursuant to Section 551 of the Texas Government Code. The closed Executive Session was adjourned at 1:30 p.m.

Adjourn

Chairman Fisher reconvened the open meeting, stating there was no action taken in Executive Session. He stated the Board was apprised of issues of litigation, and that Mr. Meade, Mr. Kyker and Ms. Townsend were recused from discussion related to litigation that may involve them.

Chairman Fisher adjourned the meeting at 1:43 p.m.